

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KOHCHISE JACKSON,

Plaintiff,

v.

CHS TX, INC., et al.,

Defendants.

Case No.: 2:19-cv-13382-GAD-PTM

U.S. DISTRICT COURT JUDGE
HON. GERSHWIN A. DRAIN

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION IN LIMINE TO PRECLUDE EVIDENCE OF PLAINTIFF'S
RECEIPT OF FOOD STAMPS [ECF 157]**

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STATEMENT OF ISSUES PRESENTED

Is evidence that Plaintiff received food stamps relevant under FRE 401, 402, and 403 for the purpose of showing Plaintiff's general economic condition and in showing that medical care was financially burdensome to Plaintiff?

Defendants answer: Yes.

Plaintiff answers: No.

The Court should answer: Yes.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Fed. R. Evid. 401

Fed R. Evid. 402

Fed. R. Evid. 403

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Plaintiff seeks an order excluding any reference that Plaintiff has received food stamps to show that plaintiff is “poor.” But Defendants do not intend to introduce evidence that Plaintiff has received food stamps to demonstrate poverty or to personally lay attacks on Plaintiff as a person. Rather, this evidence is relevant under FRE 401, 402, and 403 for the purpose of showing Plaintiff's general economic condition and in showing that medical care was financially burdensome to Plaintiff.

Plaintiff has acknowledged that his medical care—including his colostomy surgery—was paid for by Medicaid due to his economic circumstances. (**Exhibit A**, Plaintiff's Deposition Transcript at 219). As such, government assistance (including food stamps) is probative of the context in which he made medical decisions and the extent of his financial ability to seek or forgo certain procedures or surgeries.

FRE 401 provides:

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

FRE 403 provides:

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Pursuant to FRE 403, the probative value of this evidence is not substantially outweighed by any risk of unfair prejudice. Instead, evidence of Plaintiff's financial condition provides necessary context and supports facts already conceded by Plaintiff, making it both relevant and admissible.

CONCLUSION

For the foregoing reasons, the Court should deny the Plaintiff's Motion *in Limine* to Preclude Evidence of Plaintiff's Receipt of Food Stamps.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on August 8, 2025, I electronically filed the foregoing paper with the clerk of the United States District Court, Eastern District Southern Division using the ECF system which will send notification of such filing to the following:

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[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION
IN LIMINE TO PRECLUDE EVIDENCE OF PLAINTIFF'S RECEIPT OF
FOOD STAMPS [ECF 157]

For the reasons stated in Defendants' Opposition to Plaintiff's Motion *in Limine* to Preclude Evidence of Plaintiff's Receipt of Food Stamps and any arguments thereto, the Plaintiff's motion is DENIED.

Hon. Gershwin A. Drain